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DEC 12 2013 *mb*

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Darryl Smith

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

13cv8875

JUDGE COLEMAN

MAGISTRATE JUDGE MARTIN

vs.

THOMAS J. Dart Sheriff of C.C.D.O.C.

MR. Maurice Director of C.C.D.O.C.

MARTIN MERDITH Sheriff of L.C.J.

MARVIN Rutledge Chief of L.C.J.

William Cox Superintendent of L.C.J.

MR. Wilson Correctional Officer of L.C.J.

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

☒

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

☐

COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

☐

OTHER (cite statute, if known)

BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.

①

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continuation of page 1

John Doe Med-tec of L.C.J

name of medical personal unknown at
this time but will get name during
discovery. I will submit a new
amendment complaint once I get name
of med-tec.

Sergeant Harmon of L.C.J

(2)

I. Plaintiff(s):

- A. Name: Darryl Smith
- B. List all aliases: mm N/A mm
- C. Prisoner identification number: 2011-101-3080
- D. Place of present confinement: COOK county department of corrections
- E. Address: 2700 P.O. Box 089007 Chicago, IL 60608

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, place of confinement, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: Thomas J. Dart
Title: Sheriff of Cook County
Place of Employment: 50 W Washington Richard T Daley Center Chicago, IL 60604
- B. Defendant: M.R. Maurice
Title: Director of Cook County Jail
Place of Employment: 2700 S. California Chicago, IL 60608
- C. Defendant: Martin Meredith
Title: Sheriff of Livingston County
Place of Employment: 844 W. Lincoln St Pontiac, IL 61764

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

③

D. Defendant: Marvin Rutledge

Title: Chief of Livingston County Jail
Place of employment: 844 W. Lincoln St.
Pontiac, IL, 61764

E. Defendant: William Cox

Title: Superintendent of Livingston County Jail
Place of Employment: 844 W. Lincoln St.
Pontiac, IL, 61764

F. Defendant: MR. Wilson

Title: Correctional officer of Livingston County Jail

Place of Employment: 844 W. Lincoln St.
Pontiac, IL, 61764

G. Defendant: John Dot

Title: Medical personal in Livingston County Jail

Place of employment: 844 W. Lincoln St.
Pontiac, IL, 61764

H. Defendant: Harmon

Title: Sergeant of Livingston County Jail
Place of Employment: 844 W. Lincoln St.
Pontiac, IL, 61764

(4)

III. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court in the United States:

- A. Name of case and docket number: N/A
- B. Approximate date of filing lawsuit: N/A
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: N/A
- D. List all defendants: N/A
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): N/A
- F. Name of judge to whom case was assigned: N/A
- G. Basic claim made: N/A
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): N/A
- I. Approximate date of disposition: N/A

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

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IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved, including names, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

① On June 16, 2013 I Darryl Smith was sent to Livingston County Jail from Cook County Jail.

② While I was in Livingston County Jail awaiting to be housed on a pod I was waiting in a holding cell.

③ In this holding cell I was in about 23 other people from Cook County Jail were also waiting to be housed and booked in to Livingston County Jail.

④ C/O Wilson was doing classification on all of us detainees from Cook County Jail calling us by alphabetical order.

⑤ C/O Wilson came to the holding cell where I was and called my name out.

⑥ It was very loud and other detainees were horse playing while C/O Wilson called me out.

⑦ When I made it to the door and grabbed the door to get out with my hand C/O Wilson then turned around and slammed the door shut while my

⑥

I was still holding the cell door.

(8) Clowilson slammed the door I guess because he was mad about the loud noise and other people ~~was~~ horseplaying but my hand was still in the door when Clowilson slammed it shut.

(9) Before I got a chance to react or knew what was going on my hand got smashed in the holding cell door.

(10) I then pulled my hand out quickly out of reaction while I still could and my right ring finger was split open and bleeding bad, it was also bent to the side.

(11) Clowilson had no right to slam the cell door shut knowing my right hand was holding the door so I can get out to be classified and sent to my pod.

(12) Clowilson never told me to step back in he just aggressively slammed the door shut he looked aggravated due to the fact there was so many Cook County Jail detainees that had to be classified.

13o Had C/O Wilson not been so careless and used force to slamme that cell door the way he did and told me to move my hand my right ring finger would have not been split open and got broke.

(14o) I did get sent to an outside hospital in Livingston county called St. Paul or ST. PETER I really don't remember the name.

(15o) While I was in the hospital the doctor that treated me took x-rays of my right hand and seen that my right ring finger was broken and I got 5 stitches.

(16o) On June 7, 2013 I filed out a grievance about the incident and asked that action be taken on C/O Wilson. See Attached exhibit A.

(17o) On June 8, 2013 I filled out a medical slip to see a doctor in the jail but Livingston county Jail does not have a doctor only a med-tec.

(18o) I was denied medical attention on 6/8/13 by Sgt. Harman after I showed him that my finger was bleeding my stitches had busted open and my finger and hand was in really bad pain.

(8)

(19) Once I showed Sgt. Harmon what was going on he looked at my hand and said there is no doctor in this jail nor is there a med-tec in the building at these hours wait until tomorrow.

(20) I then asked Sgt. Harmon for stronger pain medication and he said no to deal with it and I also asked for band-aids and gauze to stop the bleeding from my finger Sgt. Harmon said no again.

(21) On June 9, 2013 I did get to see a med-tec and all that happened was I got my blood took pressure I mean and that the med-tec said he'll contact the doctor about my finger.

(22) I was unable to see a doctor because Livingston County Jail does not have a doctor at all the jail only calls in a doctor from the hospital to come in when ever they want.

(23) I was left in pain for 3-weeks and I couldn't get re-stitched up denied medical attention under the 8th amendment. I didn't even get new gauze or band-aids from the med-tec either.

(9)

(24) When I seen the med-tec on 6/9/13 at Livingston county jail he the med-tec not a doctor stated he could do nothing for me that he can't restitch my finger he's not a doctor just keep my hand up it won't bleed blood runs down faster when my hand is down.

(25) I was denied to get proper medical attention from a doctor to have my finger restitched and or looked at.

(26) I was denied stronger pain medication all I got was 3 Ibuprofen 100mg no ointment to put on top of the stitches I gauze to change out and surgical tape to hold down the gauze after Sgt Harman and the med-tec seen my stitches bust open.

(27) I never went to resee a outside hospital doctor to get a cast on my finger even doe it was broke I never got to get re-stitched after two stitches busted open after having that took place three weeks ago.

(28) I never got treatment like rehab for my finger to bring it back to normal if my finger is not healed properly it's a little crooked fell's fingle when I touch it or grab any thing I really can't us it.

(29) I did file a grievance about my finger that two stitches busted open that I need stronger pain medicines yet all of Livingston County Jail staff knew about the incident that took place on 6/6/13.

(30) The Sheriff of Livingston County Martin Merdith the Chief of Livingston County Jail Marvin Rutledge the Superintendent of Livingston County Jail William Cox the med-tek name unknown of Livingston County Jail and Sergeant Harmon all denied me proper medical treatment of my eighth amendment.

(31) The Sheriff, Chief, Superintendent, Sgt and med-tek deliberately denied me medical attention therefore they are held liable for my health and safety under the eighth and due process amendment.

(32) C/O Wilson his carelessness and his aggressiveness by slamming the cell door on my hand splitting my right finger ring finger open and breaking it used excessive force.

(33) I'm suffering from lack of use in my right ring finger my finger is disfigured doesn't bend like before really has no feeling to it when I touch or grab anything with my finger.

(34) On 6/30/13 I filed out another grievance to see if any disciplinary action was taken on C/O Wilson about the incident that took place on 6/6/13. I never got a response back at all.

(35) On 7/4/13 I sent in a request to speak to the superintendent Cox about not getting an answer or reply back on the previous grievances I filed out that went ignored as well.

(36) On 6/19/13 I filed out a request to the med-tec to get a copie of my hospital report for the incident that took place on 6/6/13. I ended up getting a response back on 6/20/13 from the med-tec stating that I couldn't get a copie of the hospital report due to the superintendent Cox's saying jail medical records can't be released.

(37) I believe that the entire administration the sheriff, chief, superintendent, Sgt and med-tec all of these officials of Livingston County Jail all working together to cover up there track for what C/O Wilson did to me and that so Livingston County Jail want have to spend more money on me to cover up.

(38) The grievance procedure is run by officer's that work in Livingston county jail together the med-tec is unprofessional the health-care service is a joke no actual doctor on hand one med-tec after 4 o'clock pm no help what so ever don't pass out medication how is that either they are officer's or med-tec what is it and are they ~~the~~ licensed to pass out medication?

(39) Livingston county jail fails to realize that we are arguably are entitled to a higher degree of legal protection then the eighth amendment.

(40) Livingston county jail has no proper health care personal on hand doesn't have enough med-tec's or C.M.A. or doctor's for that matter to properly treat pre-trial detainees.

(41) Livingston county jail's sheriff, along with chief of staff, superintendent, officer's and sergeant's are reckless with behavior and total disregard in pre-trial detainees rights.

(42) There for had cook county Jail's sheriff Thomas J. Dart along with acting director Mr. Maurice had not sent me to livingston county Jail to be housed for overcrowding I would never have been sent to an outside hospital and never suffered a broken finger and 5 stitches for week's

(43) Thomas J. Dart sheriff of cook county along with director Maurice ~~att~~ both sent us to outside county Jail's knowing the lack of health care service and lack of security even do we are protective custody inmates both of these's officials ~~shoud~~ should be held liable as well for my suffering and pain

(44) Therefor sheriff Thomas J. Dart of cook county director Maurice of cook county Jail sheriff Martin Merdith of livingston county chief Marvin Rutledge of livingston superintendent William Cox of livingston Sergeant Harman of livingston county Jail Clu Wilson of livingston county Jail and John doe Med-ke of livingston county Jail are held liable for my safety and well being denial of my eighth amendment and violation of my due process

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Wherefor I pray for Justice done every individual who has placed me pain and suffering. ① the compensatory damages and defendant's in the amount of \$500,000. ② punitive damages for pain and suffering in the amount of \$1,000,000. ③ the cost for attorney fees under the 42 U.S.C. section under 1983 and what ever other relief the court would deem just and fair

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this Dec day of 8, 2013

Darryl Smith

(Signature of plaintiff or plaintiffs)

Darryl Smith

(Print name)

2011-101-3080

(I.D. Number)

P.O. Box 089002 Chicago IL 60608

(Address)

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Exhibit A

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Livingston County Jail

☐ REQUEST☒ GRIEVANCE☐ CALLING CARD☐ OTHERNAME: DARRYL SmithDATE: 6/7/13UNIT/CELL # C - C-8TIME: 6:15 PM

Describe your request / grievance / amount of calling card

I DARRYL Smith grievance the fact that on 6/6/13 I was being transferred from C.C.D.C to Livingston Co where I was housed in holding cell # during the processing Area & detainees of C.C.D.C was horse playing when officer Wilson called me out, he then told me to step back in he slammed the door on my right ring finger

RECEIVED BY OFFICER: #327

DATE: _____

RESPONSE:

ANSWER GIVEN BY: _____ DATE: _____

pg 2 of 2

- DARRYL / Smith / Grievance

6/6/13

- Cont'd, causing me the injury of broken finger & I received 5 stitches due to the skin being broken, I feel that his action was not under the code of law & this cruel & unusual punishment which is a violation of my constitutional rights

Respectfully Submitted,
Darryl Smith

EXHIBIT A
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